I hereby certify that on November 15, 2010, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filling System in accordance with 37 C.F.R. §1.6(a)(4), addressed to Commissioner for Patents. P.O. Box 1450, discardia; VA 2313-1450.

Janlyn R. Khorsandi Jov. 15, 2010 Marilyn R. Khorsandi
PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

 Applicant
 :
 Paul Bilibin, et al.

 Patent No.
 :
 7,818,267

 Application No.
 :
 09/685,077

Filed : October 6, 2000

Title : APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-

CARRIER, MULTI-SERVICE PARCEL SHIPPING

MANAGEMENT DETERMINATION OF RATABLE WEIGHT FOR

MULTIPLE CARRIERS

Grp./Div. : 3629

Examiner : Plucinski, Jamisue A. Docket No. : PSTM0020/MRK

### APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN PATENT UNDER 37 C.F.R. §1.705(d)

 Commissioner for Patents (Filed Electronically)
 140 S Lake Ave, Ste 312

 D. Box 1450
 Pasadena, CA 91101-4710

 Alexandria, VA 22313-1450
 November 15, 2010

### Commissioner:

In issuing the above-identified Patent, the Patent Office granted a Patent Term Adjustment of 2344 days.

This is an Application for Reconsideration of Patent Term Adjustment ("PTA") for the above-identified Patent (the "Patent") to correct errors to **reduce** the Patent Term Adjustment from **2344 days** to **2321 days**. Reasons for the corrective reduction are given in the concurrently-filed Statement of the Correct Patent Term Adjustment In Support of Application for Reconsideration of Patent Term Adjustment Indicated in Patent Under 37 C.F.R. §1.705(d).

The Patent issued on October 19, 2010 and indicated a PTA of 2344 days. According to 37 C.F.R. §1.705(d), the October 19, 2010 issue date set a two month time frame, namely, until the expiration of December 19, 2010 (a Sunday), by which to file a request for reconsideration of the PTA indicated in the Patent. It is respectfully submitted that this Application is timely filed because it is filed before the expiration of December 20, 2010, the first business day following December 19, 2010.

As required by 37 C.F.R. §1.705(b)(1), the fee set forth in 37 C.F.R. §1.18(e) is enclosed herewith. The Commissioner is hereby authorized to charge any underpayment of

APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT Patent No. 7.818.267

fees, or credit any overpayment of fees, to Deposit Account No. 501574. Please show our docket number (PSTM0020/MRK) with any charge or credit to our Deposit Account.

With respect to the requirement set forth in 37 C.F.R. §1.705(b)(2)(iii), it is respectfully submitted that no Terminal Disclaimer was filed for the present application. It is respectfully submitted that the present application was named as a pending second application in Terminal Disclaimers filed for other applications, including U.S. Application Nos. 09/684,010, 09/684,869 and 09/684.866.

Respectfully submitted, KHORSANDI PATENT LAW GROUP, A LAW CORPORATION

Jov. 15, 2010

By Marilyn R. Khorsandi Attorney of Record Reg. No. 45,744 Customer No. 29524

Khorsandi Patent Law Group, A Law Corp. 140 S. Lake Ave., Ste. 312 Pasadena, California 91101-4710 Telephone No.: (626) 796-2856 Fascimile: (626) 796-2864 I hereby certify that on November 15, 2010 this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with 37 C.F.R. §1.6(a)(4) and addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Marily R. Khorsandi Yov. 15, 2011

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul Bilibin, et al.
Patent No. : 7,818,267
Application No. : 09/685.077

Filed : October 6, 2000

Title : APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-

CARRIER, MULTI-SERVICE PARCEL SHIPPING

MANAGEMENT DETERMINATION OF RATABLE WEIGHT FOR

MULTIPLE CARRIERS

Grp./Div. : 3629

Examiner : Plucinski, Jamisue A. Docket No. : PSTM0020/MRK

# STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT IN SUPPORT OF APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN PATENT UNDER 37 C.F.R. §1.705(d)

Commissioner for Patents (Filed Electronically) P.O. Box 1450

Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312 Pasadena, CA 91101 November 15, 2010

Commissioner:

This Statement of the Correct Patent Term Adjustment ("PTA") is filed in support of a concurrently-filed Application for Reconsideration of Patent Term Adjustment.

The above-identified Patent issued on October 19, 2010, indicating a PTA of 2344 days. However, for the reasons given further below, it is respectfully asserted that the PTA determination of 2344 days is incorrect, and that the correct PTA is 2321 days. In particular, it is respectfully asserted that the determination of 2344 days is in error, due to a failure in the PAIR system Patent Term Adjustment History to provide the following Patent Term Adjustment events and/or considerations under 37 C.F.R. §§ 1.703 and 1.704, as follows:

# 1. PAIR FAILED TO CALCULATE A PTA DEBIT OF TWENTY-THREE (23) DAYS CORRESPONDING TO A DELAY IN FILING A RESPONSE TO A NOTICE OF MISSING PARTS.

A copy of a printout of the PAIR system Patent Term Adjustment History for the Application is attached hereto as Exhibit A. A copy of a printout of the PAIR system Image File Wrapper for the Application is attached hereto as Exhibit B.

## STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT Patent No. 7,818,267

It is respectfully submitted that the PAIR system failed to associate a Notice of Missing Parts and a corresponding Response to Notice of Missing Parts, and therefore failed to calculate a period of time under 37 C.F.R. §1.704(b), as follows:

- a.) the PAIR system did not identify as a Notice of Missing Parts, the PAIR system Patent Term Adjustment entry No. 4, dated 12-13-2000, entitled "Notice Mailed--Application Incomplete--Filing Date Assigned" (see Exhibit A hereto; see also, Exhibit B hereto PAIR System Image File Wrapper entry dated 12-13-2000, entitled "Pre-Exam Formalities Notice");
- b.) there is no entry in the PAIR system Patent Term Adjustment History (see Exhibit A hereto) of a Response to Notice of Missing Parts, designated in the PAIR System Image File Wrapper (see Exhibit B hereto) for the Application as an entry dated "04-05-2001," entitled "Applicant Response to Pre-Exam Formalities Notice": and
- c.) the PAIR system Patent Term Adjustment History fails to associate the April 5, 2001-dated entry for Applicant's Response to Notice of Missing Parts with the Notice of Missing Parts, dated 12-13-2000.

According to 37 C.F.R. §1.704(b), it is respectfully asserted that period of adjustment credits should be reduced for the period of time "in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, . . . beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication . . . and ending on the date the reply is filed." 37 C.F.R. §1.704(b). For the present case, it is respectfully asserted that period of adjustment credits should be reduced, according to 37 C.F.R. §1.704(b), by twenty-three (23) days, wherein the 23 days began on March 14, 2001 (the day after the March 13, 2001 date that is three months after the December 13, 2000 mailing date of the Notice of Missing Parts), and ended on April 5, 2001 (the date noted in the PAIR system as the receipt date of the Response to the Notice of Missing Parts).

Accordingly, for the above given reasons, it is therefore respectfully asserted that the determination of 2344 days is in error, and that period of adjustment credits should be further

### STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT Patent No. 7,818,267

reduced by an additional twenty-three (23) non-overlapping days under 37 C.F.R. §1.704(b), resulting in the correct Patent Term Adjustment of 2321 days.

### PATENT NOT SUBJECT TO TERMINAL DISCLAIMER.

With respect to the requirement set forth in 37 C.F.R. §1.705(b)(2)(iii), it is respectfully submitted that no Terminal Disclaimer was filed for the present application. It is respectfully submitted that the present application was named as a pending second application in Terminal Disclaimers filed for other applications, including U.S. Application Nos. 09/684,010, 09/684,869 and 09/684.866.

> Respectfully submitted. KHORSANDI PATENT LAW GROUP, A LAW CORPORATION

Marilyn R. Khorsandi Attorney/Agent for Applicant(s) Reg. No. 45,744

Customer No. 29524

Khorsandi Patent Law Group, A Law Corp. 140 S. Lake Ave., Ste. 312 Pasadena, California 91101-4710 Telephone No.: (626) 796-2856

Fascimile: (626) 796-2864

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4) Patent Application Information (PAIS)	09/685,077	APP	ARATUS, SYSTEMS ANI AGEMENT DETERMINA	APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING MANAGEMENT DETERMINATION OF RATABLE WEIGHT FOR MULTIPLE CARRIERS	CEL SHIPPING	
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Patent Information	Patent Ter	Patent Term Adjustment				
Patent Guldance and General Info	Filing or 371(c) Date:	(c) Date:	10-06-2000	Overlapping Days Between (A and B) or (A and C):		172
# Employee & Office Directories	Issue Date of Patent:	of Patent:	10-19-2010	Non-Overlapping USPTO Delays:		2498
Resources & Public Notices	A Delays:		841 .	PTO Manual Adjustments:		0
Service Service S	B Delays:		512	Applicant Delays:		154
Potent Official Cavatte	C Delays:		1317	Total PTA Adjustments:		2344
# Search Patents & Applications	Patent Tern	Patent Term Adjustment History	iistory	Explanation Of Calculations		
Search Biological Sequences	Number	Date	Contents Description		APPL(Days)	Start
I Copies, Products & Sarvices	117.5	03-01-2005	PTA 36 Months	512		0
Other	117	10-19-2010	Patent Issue Date Used in PTA Calculation	in PTA Calculation		0
Copyrights	116	09-23-2010	Export to Final Data Capture			0
Policy & Law	115	09-22-2010	Dispatch to FDC			0
Reports	114	09-20-2010	Application 1s Considered Ready for Issue	ed Ready for Issue		0
	113	09-20-2010	Mail Miscellaneous Con	Mail Miscellaneous Communication to Applicant		0
	112	09-17-2010	Miscellaneous Commun	Miscellaneous Communication to Applicant - No Action Count		0
	111	08-24-2010	Pubs Case Remand to TC	2		0
	110	08-19-2010	Issue Fee Payment Verified	ified		0
	109	08-19-2010	Issue Fee Payment Received	eived		0
	108	07-02-2010	Finished Initial Data Capture	pture		0
	107	05-24-2010	Export to Initial Data Capture	apture		0
	105	05-19-2010	Mail Notice of Allowance	e e		0
	104	05-18-2010	Issue Revision Completed	pao		0
	103	05-18-2010	Document Verification			0
	102	05-18-2010	Notice of Allowance Da	Notice of Allowance Data Verification Completed		0
	101	05-18-2010	Examiner's Amendment Communication	rt Communication		0
	100	05-17-2010	Notice of Allowability			0
	25	01-21-2010	Mail BPAI Decision on ,	Mail BPAI Decision on Appeal - Affirmed in Part		99
	96	01-21-2010	BPAI Decision - Examiner Affirmed in Part	ier Affirmed in Part		0

36	07-01-2009	Docketing Notice Malled to Appellant	0
\$	07-01-2009	Assignment of Appeal Number	o
93	06-29-2009	Appeal Awaiting BPAI Docketing	0
26	06-24-2009	TC completion of return order	0
. 91	06-17-2009	Mail Miscellaneous Communication to Applicant	0
06	06-16-2009	Miscellaneous Communication to Applicant - No Action Count	0
88	05-07-2009	Order Returning Undocketed Appeal to the Examiner	Q
88	04-30-2009	Appeal Awaiting BPAI Docketing	0
87	04-22-2009	Mail Reply Brief Noted by Examiner	0
98	04-21-2009	Reply Brief Noted by Examiner	0
885	02-20-2009	Date Forwarded to Examiner	0
84	02-06-2009	Reply Brief Filed	٥
83	01-13-2009	Exam. Ans. Review Complete	0
82	12-09-2008	Mail Supplemental Examiner's Answer	0
81	12-08-2008	2nd or Subsequent Examiner's Answer to Appeal Brief	0
80	12-03-2008	Administrator Remand to the Examiner by BPAI	0
79	09-02-2008	Docketing Notice Mailed to Appellant	0
7.8	09-02-2008	Assignment of Appeal Number	0
76	07-29-2008	Appeal Awaiting BPAI Docketing	0
7.5	10-30-2007	Mail Reply Brief Noted by Examinor	0
74	10-25-2007	Reply Brief Noted by Examiner	0
7.3	02-14-2007	Return of Undocketed appeal to the TC	0
72	02-14-2007	Date Forwarded to Examiner	0
7.1	02-07-2007	Reply Brief Filed	0
70	02-14-2007	Exam. Ans. Review Complete	ö
69	02-14-2007	Appeal Brief Review Complete	0
89	12-14-2006	Mail Examiner's Answer	99
29	12-11-2006	Examiner's Answer to Appeal Brief	Q
99	10-09-2006	Date Forwarded to Examiner	0
65	09-21-2006	Appeal Brief Filed	0
25	09-21-2006	Request for Extension of Time - Granted	0
	07-21-2006	Mail Appeals conf. Proceed to BPAI	o
62	07-18-2006	Pre-Appeals Conference Decision - Proceed to BPAI	0
61	06-15-2006	Request for Pre-Appeal Conference Filed	0
9	06-15-2006	Notice of Appeal Filed	58
53	04-13-2006	Correspondence Address Change	Đ
28	03-13-2006	Mail Final Rejection (PTOL - 326)	0
57	03-06-2006	Final Rejection	0

56	12-19-2005	Information Disclosure Statement considered		0
22	08-24-2005	Information Disclosure Statement considered		0
23	12-19-2005	Reference capture on IDS		0
52.7	12-19-2005	Information Disclosure Statement (IDS) Filed	0	20
25	12-19-2005	Information Disclosure Statement (IDS) Filed		0
51	12-23-2005	Date Forwarded to Examiner		0
20	12-19-2005	Response to Election / Restriction Filed		0
49	11-17-2005	Mail Restriction Requirement		Q
48	11-14-2005	Requirement for Restriction / Election		O
47	08-24-2005	Reference capture on IDS		0
46.7	08-24-2005	Information Disclosure Statement (10S) Filed	0	44
46	08-24-2005	Information Disclosure Statement (IDS) Filed		0
45	09-02-2005	Date Forwarded to Examiner		0
44	08-24-2005	Response after Non-Final Action	4	43
43	05-20-2005	Mail Non-Final Rejection		0
42	05-16-2005	Non-Final Rejection		0
41.7	11-03-2004	Electronic Information Disclosure Statement		0
41	11-03-2004	Information Disclosure Statement (IDS) Filed		0
4	03-10-2005	IFW TSS Processing by Tech Center Complete		0
38	03-10-2005	Date Forwarded to Examiner		0
38	03-02-2005	Amendment Submitted/Entered with Filing of CPA/RCE		0
37	03-10-2005	Date Forwarded to Examiner		0
36	03-02-2005	Request for Continued Examination (RCE)	7	25
32	03-10-2005	Disposal for a RCE / CPA / R129		0
34	03-02-2005	Reference capture on IDS		0
33.7	03-02-2005	Information Disclosure Statement (IDS) Filed		0
33	03-02-2005	Information Disclosure Statement (IDS) Filed		0
32	03-02-2005	Request for Foreign Priority (Priority Papers May Be Included)		0
31	03-02-2005	Miscellangous Incoming Letter		0
30	11-19-2004	Reference capture on IDS		0
29	11-19-2004	Miscellaneous Incoming Letter		0
28	08-22-2001	Miscellaneous Incoming Letter		0
27	03-02-2005	Workflow - Request for RCE - Begin		0
26.7	11-19-2004	Information Disclosure Statement (IDS) Filed	81	22
56	11-19-2004	Information Disclosure Statement (IDS) Filed		0
25	11-29-2004	Mail Final Rejection (PTOL - 326)		0
24	11-24-2004	Final Rejection		0
23	09-25-2004	Date Forwarded to Examiner		0

22	08-30-2004	Response after Non-Final Action	92	19
	08-30-2004	Request for Extension of Time - Granted		0
	08-30-2004	Workflow incoming amendment JFW		0
	03-26-2004	Mail Non-Final Rejection 841		7
	03-18-2004	Non-Final Rejection		0
	01-14-2004	Case Docketed to Examiner in GAU		0
	03-25-2003	Case Docketed to Examiner in GAU		0
	01-02-2003	Case Docketed to Examiner in GAU		0
	04-23-2002	Case Docketed to Examiner in GAU		0
13.7	12-10-2001	Information Disclosure Statement (IDS) Filed		0
	12-10-2001	Information Disclosure Statement (IDS) Filed		0
	12-06-2001	Case Docketed to Examiner in GAU		0
	12-06-2001	Case Docketed to Examiner in GAU		0
10.7	08-22-2001	Information Disclosure Statement (IDS) Filed		0
	08-22-2001	Information Disclosure Statement (IDS) Filled		0
	08-09-2001	Information Disclosure Statement (1DS) Filled		0
	109-09-2001	Information Disclosure Statement (IDS) Filed		0
	06-06-2001	Case Docketed to Examiner in GAU		0
	04-18-2001	Application Dispatched from OIPE		0
	04-11-2001	Application Is Now Complete		0
	12-13-2000	Notice MailedApplication IncompleteFiling Date Assigned		0
	12-13-2000	Correspondence Address Change		0
	11-25-2000	IFW Scan & PACR Auto Security Review		0
	10-06-2000	Initial Exam Team nn		0

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Course Biological Commons	39-20-2010 M	M327	Miscellaneous Communication to Applicant - No Action Count	PROSECUTION	61	64
	1-20-2010	1449	List of References cited by applicant and considered by examiner	PROSECUTION	-	100
Other 08-15	38-19-2010 IF	FEE	Issue Fee Payment (PTO-85B)	PROSECUTION	-	
i	D8-19-2010 LI	ET.	Miscellageous Incoming Latter	PROSECUTION	2	
	38-19-2010 W	WFEE	Egg Worksheet (PTO-825)	PROSECUTION	2	
	38-19-2010 N	N417	FFS Acknowledament Receipt	PROSECUTION	2	
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05-16	05-19-2010 N	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	10	1
05-16	35-19-2010 F	FWCLM	Index of Claims	PROSECUTION	9	
05-16	05-19-2010 III	IFW	Assue Information including classification, examiner, name, claim, renumberng, etc.	PROSECUTION	-	
05-19	-	SRFW	Search information Including classification, databases and other search related notes	PROSECUTION	-	
05-1	D5-19-2010 S	SRNT	Examiner's gearch strategy and results	PROSECUTION	-	
01-21	01-21-2010 A	APDP	BPAL Decision - Examiner Affirmed in Part	PROSECUTION	24	
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04-22-2009	RBNE	Reply Brief Noted - BPAI	PROSECUTION	2	
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03-13-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	vo.	<b>E</b>
03-13-2006	892	List of references alted by examiner	PRIOR ART	-	
03-13-2006	FWCLM	Index of Claims	PROSECUTION	-	
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02-17-2006	NP.	NPL Documents	PRIOR ART	æ	
02-17-2006	NPL	NPL Documents	PRIOR ART	ŧ	
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12-19-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2	
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08-24-2005	NPL	NPL Documents	PRIOR ART	4		
08-24-2005	NP.	NPI, Documents	PRIOR ART	4		
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